

REMARKS/ARGUMENTS

In the specification, the paragraphs beginning at page 4 has been amended to correct minor editorial problems.

Claims 1 through 16 remain in this application.

Claims 1, 3, 4, 5, 6, 7, 10, 13 and 14 have been amended.

None of the original claims have been canceled.

No claim(s) have been added.

In response to the Office Action of March 30, 2007, Applicants request re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Rejections under 35 USC 112

Claim 1 has been rejected under 35U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection particularly notes the term "autologous". The reference to autologous has been deleted from claim 1. In view of applicant's amendment, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Rejections under 35 USC 102(b)

Claims 1 through 16 have been rejected under 35U.S.C. §102(b) as being anticipated by Bramlet (U.S. Patent 6,183,474). Claims 1, 3, 4, 5, 6, 7, 10, 13 and 14 have been amended to more clearly define applicant's invention.

Applicants' invention, as amended, recites an end cap bonded to one end of the cannulated shaft and at least one separate tang having a first end bonded to a tang body by a second bond. Support for this amendment can be found in the specification beginning with the last paragraph on page 8 through the last full paragraph on page 9. As noted in the summary of the present invention this construction produces a surgical intramedullary screw having simple components which can be quickly assembled to produce the finished product wherein the components can be formed using easily controlled steps reducing production steps and enabling fabrication from a combination of materials having different physical properties into one screw. By contrast Bramlet '474 does not appear to disclose tang body having at least one tang having a first end bonded to the tang body. Figure 87 of Bramlet '474, specifically noted by the Examiner in the prior Office Action, does not show separate tangs that are bonded to the tang body.

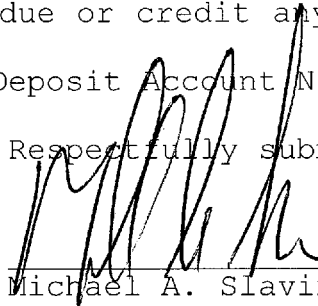
It is well established that in order for a claim to be anticipated "each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference". *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (MPEP 2131). Therefore, in view of the above, reconsideration and withdrawal of this ground of rejection is respectfully requested.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested. Should there be any remaining issues which can be resolved via an Examiner's Amendment; the Examiner is urged to call the undersigned in order to expedite the prosecution of this application.

The Commissioner for Patents is hereby authorized to charge any deficiency in any fees due or credit any overpayments in any fees paid on the filing to Deposit Account No. 13-0439.

Respectfully submitted,



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